

### REMARKS

In the prior Office Action, all of the pending claims were rejected over U.S. Patent 6,144,958 to Ortega, either alone or in combination with U.S. Patent 6,006,225 to Bowman. The independent claims of this group are claims 1, 23 and 31. Applicants have amended claims 1, 23 and 31. Support for the amendments can be found in the originally filed specification, including, for example, at paragraphs [0029], [0034], [0037] and [0038]. No new matter is added.

Claim 1 as amended recites a method that comprises rewriting a first search query into a modified search query and mapping the first search query to the modified search query to produce a mapping that correlates the first search query to the modified search query. The method then comprises determining whether at least a portion of content from a second query matches content from the first query, and if it does, executing a search that includes the modified search query in place of the second content that matches the first content. Thus, the claim involves a first query, a modified query produced from the first query, and a second query with content that is replaced by the modified query. In addition, it is the **matching** content from the second query that is replaced. Thus, a computer system operating according to this method could identify a first query and rewrite it into a superior query, and then if a later user submits the same or a similar query, the system could quickly rewrite that later query in the same manner.

Ortega focuses instead on making spelling corrections in a query. Ortega looks for a term that **does not match** prior terms, and then looks for matches for nearby terms. It then looks for terms previously used with the nearby terms in order to identify a proper spelling for the non-matching term (which is presumed to be mis-spelled). Ortega does not create a modified search query before receiving a subsequent second search query -- it simply compares prior terms to currently received terms. Ortega also does not store a mapping that correlates a first search query to a modified search query, before receiving a second search query. Again, it merely stores terms from prior queries. And Ortega does not replace the matching content with a modified search query. It instead does just the opposite, by replacing non-matching content with a term that is presumed to be a proper spelling of the non-matching content. In fact, the prior

Advisory Action explicitly recognizes that Ortega "replac[es] the part that does not match." (Advisory Action dated March 12, 2009.) Thus, Ortega differs from pending claim 1 in multiple ways. It differs because it is directed to spelling correction by using a mis-match, and not to using matches so that a subsequent query can be matched to a rewritten query for a prior submitted query.

Thus, Applicants also respectfully submit that the Ortega and Bowman references cannot be fairly viewed as leading a skilled artisan to the invention of claim 1, since Ortega in fact teaches the replacement of mis-matches rather than use of and replacement of matches. Indeed, if one were to modify Ortega using the hindsight provided by the present application (which is impermissible), the modified Ortega system would not work because it would not be finding mis-spelled terms. Applicants thus respectfully submit that claim 1 and its dependent claims are in condition for allowance, and request that the rejections of claim 1 and its dependent claims be withdrawn.

Independent claim 23 is directed to a computer-readable storage device, and recites, *inter alia*, similar language as independent claim 1. For at least the reasons discussed in connection with claim 1, Applicants thus respectfully submit that claim 23 and its dependent claims are in condition for allowance, and request that the rejections of claim 23 and its dependent claims be withdrawn.

Independent claim 31 is directed to a method, and recites, *inter alia*, similar language as independent claim 1. As such, for at least the reasons discussed in connection with claim 1, Applicants respectfully submit that claim 31 is in condition for allowance patentable, and request that the rejection of claim 31 be withdrawn.

### **Conclusion**

Applicants submit that claims 1, 3-23, and 25-31 are in condition for allowance, and request that the Examiner issues a notice of allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or

Applicant : Tucker et al.  
Serial No. : 10/812,901  
Filed : March 31, 2004  
Page : 12 of 12

Attorney's Docket No.: 16113-0339001 / GP-221-00-US

other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment

This submission is accompanied by a Petition for Two-Month Extension of Time, a Request for Continued Examination and the requisite fees. No other fee is believed due in connection with this submission. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 1, 2009

---

/Guy L. Tshiteya/  
Guy L. Tshiteya  
Reg. No. 59,888

---

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (877) 769-7945